



Legislation Details (With Text)

**File #:** 111392      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/7/2012      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 3/20/2012

**Effective date:**

**Title:** Substitute resolution to vacate a portion of East Thomas Avenue, the south side, between North Cramer Street and North Murray Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Exhibit A, 2. City Plan Commission Letter, 3. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/7/2012	0	COMMON COUNCIL	ASSIGNED TO		
2/9/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/2/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/7/2012	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
3/20/2012	1	COMMON COUNCIL	ADOPTED	Pass	15:0
3/23/2012	1	MAYOR	SIGNED		

111392  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of East Thomas Avenue, the south side, between North Cramer Street and North Murray Avenue, in the 3rd Aldermanic District.

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the Milwaukee Department of City Development for the redevelopment of the East Library parcel.

Whereas, It is proposed that a portion of East Thomas Avenue, the south side, between North Cramer Street and North Murray Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of East Thomas Avenue in the Southwest 1/4 of Section 15, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the west line of North Murray Avenue and the south line of East Thomas Avenue; thence Westerly, along said south line, to its point of intersection with the east line of North Cramer Street; thence Northerly, along the northerly extension of said east line, to a point lying 5.50 feet north of, as measured normal to, said south line; thence Easterly, parallel to said south line, to a point in the northerly extension of the west line of North Murray Avenue; thence Southerly, along said northerly extension, to the point of commencement, is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

DCD:EAR:ear

03/01/12